

§ 742. Omitted

CODIFICATION

Section, acts Mar. 4, 1911, ch. 285, §1, 36 Stat. 1436; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736, provided for an acting Commissioner of Fisheries.

TRANSFER OF FUNCTIONS

Reorg. Plan No. II of 1939, §4(e), (f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, transferred Bureau of Fisheries in Department of Commerce and its functions, and Bureau of Biological Survey in Department of Agriculture and its functions, to Department of the Interior, to be administered under direction and supervision of Secretary of the Interior.

Reorg. Plan No. III of 1940, §3, eff. June 30, 1940, 5 F.R. 2108, 54 Stat. 1232, set out in the Appendix to Title 5, Government Organization and Employees, consolidated Bureau of Fisheries and Bureau of Biological Survey into one agency in Department of the Interior to be known as the Fish and Wildlife Service. It was further provided that functions of consolidated agency should be administered under direction and supervision of Secretary of the Interior by a director and assistants, and that offices of Commissioner and Deputy Commissioner of Fisheries and offices of Chief and Associate Chief of Bureau of Biological Survey should be abolished and their functions transferred to consolidated agency.

The Fish and Wildlife Service, created by Reorg. Plan No. III of 1940 was succeeded by United States Fish and Wildlife Service established by act Aug. 8, 1956, ch. 1036, §3, 70 Stat. 1119. See section 742b of this title.

EX. ORD. NO. 9634. ESTABLISHMENT OF FISHERY
CONSERVATION ZONES

Ex. Ord. No. 9634, Sept. 28, 1945, 10 F.R. 12305, provided in part:

By virtue of and pursuant to the authority vested in me as President of the United States, it is hereby ordered that the Secretary of State and the Secretary of the Interior shall from time to time jointly recommend the establishment by Executive orders of fishery conservation zones in areas of the high seas contiguous to the coasts of the United States, pursuant to the proclamation entitled "Policy of the United States With Respect to Coastal Fisheries in Certain Areas of the High Seas" [Proc. No. 2668, Sept. 28, 1945, 10 F.R. 12304], this day signed by me, and said Secretaries shall in each case recommend provisions to be incorporated in such orders relating to the administration, regulation and control of the fishery resources of and fishing activities in such zones, pursuant to authority of law heretofore or hereafter provided.

HARRY S TRUMAN.

§ 742a. Declaration of policy

The Congress declares that the fish, shellfish, and wildlife resources of the Nation make a material contribution to our national economy and food supply, as well as a material contribution to the health, recreation, and well-being of our citizens; that such resources are a living, renewable form of national wealth that is capable of being maintained and greatly increased with proper management, but equally capable of destruction if neglected or unwisely exploited; that such resources afford outdoor recreation throughout the Nation and provide employment, directly or indirectly, to a substantial number of citizens; that the fishing industries strengthen the defense of the United States through the provision of a trained seafaring citizenry and action-ready fleets of seaworthy vessels; that the training and sport afforded by fish and wildlife resources strengthen the national defense by

contributing to the general health and physical fitness of millions of citizens; and that properly developed, such fish and wildlife resources are capable of steadily increasing these valuable contributions to the life of the Nation.

The Congress further declares that the fishing industry, in its several branches, can prosper and thus fulfill its proper function in national life only if certain fundamental needs are satisfied by means that are consistent with the public interest and in accord with constitutional functions of governments. Among these needs are:

(1) Freedom of enterprise—freedom to develop new areas, methods, products, and markets in accordance with sound economic principles, as well as freedom from unnecessary administrative or legal restrictions that unreasonably conflict with or ignore economic needs;

(2) Protection of opportunity—maintenance of an economic atmosphere in which domestic production and processing can prosper; protection from subsidized competing products; protection of opportunity to fish on the high seas in accordance with international law;

(3) Assistance—assistance consistent with that provided by the Government for industry generally, such as is involved in promoting good industrial relations, fair trade standards, harmonious labor relations, better health standards and sanitation; and including, but not limited to—

(a) services to provide current information on production and trade, market promotion and development, and an extension service,

(b) research services for economic and technologic development and resource conservation, and

(c) resource management to assure the maximum sustainable production for the fisheries.

The Congress further declares that the provisions of this Act are necessary in order to accomplish the objective of proper resource development, and that this Act shall be administered with due regard to the inherent right of every citizen and resident of the United States to engage in fishing for his own pleasure, enjoyment, and betterment, and with the intent of maintaining and increasing the public opportunities for recreational use of our fish and wildlife resources, and stimulating the development of a strong, prosperous, and thriving fishery and fish processing industry.

(Aug. 8, 1956, ch. 1036, §2, 70 Stat. 1119.)

REFERENCES IN TEXT

This Act, referred to in text, is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j-2 of this title. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95-616, §1, Nov. 8, 1978, 92 Stat. 3110, provided: "That this Act [enacting sections 695j-1, 712, 742f of this title and amending sections 460k-3, 666g, 668a, 668dd, 690e, 695i, 706, 715d, 715i, 715j, 718b, 718c, 718f, 742f, 753a of this title and sections 1114, 3112 of Title 18, Crimes

and Criminal Procedure] may be cited as the 'Fish and Wildlife Improvement Act of 1978'."

SHORT TITLE

Section 1 of act Aug. 8, 1956, provided: "This Act [enacting this section and sections 742b to 742d and 742e to 742j of this title and amending section 713c-3 of Title 15, Commerce and Trade] may be cited as the 'Fish and Wildlife Act of 1956'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1534 of this title.

§ 742b. United States Fish and Wildlife Service

(a) Assistant Secretary for Fish and Wildlife

There is established within the Department of the Interior the position of Assistant Secretary for Fish and Wildlife. Such Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the same rate as other Assistant Secretaries.

(b) Establishment; Director of United States Fish and Wildlife Service; appointment; qualifications

There is established within the Department of the Interior the United States Fish and Wildlife Service. The functions of the United States Fish and Wildlife Service shall be administered under the supervision of the Director, who shall be subject to the supervision of the Assistant Secretary for Fish and Wildlife. The Director of the United States Fish and Wildlife Service shall be appointed by the President, by and with the advice and consent of the Senate. No individual may be appointed as the Director unless he is, by reason of scientific education and experience, knowledgeable in the principles of fisheries and wildlife management.

(c) Succession to United States Fish and Wildlife Service and Bureau of Sport Fisheries and Wildlife

The United States Fish and Wildlife Service established by subsection (b) of this section shall succeed to and replace the United States Fish and Wildlife Service (as constituted on June 30, 1974) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date). All laws and regulations in effect on June 30, 1974, which relate to matters administered by the Department of the Interior through the United States Fish and Wildlife Service (as constituted on such date) and the Bureau of Sport Fisheries and Wildlife (as constituted on such date) shall remain in effect.

(d) Functions and responsibilities of Secretary of the Interior

All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest.

(Aug. 8, 1956, ch. 1036, §3, 70 Stat. 1120; Oct. 4, 1961, Pub. L. 87-367, title I, §103(14), 75 Stat. 788; Oct. 11, 1962, Pub. L. 87-793, §607(a)(5), 76 Stat. 849; Apr. 22, 1974, Pub. L. 93-271, §1, 88 Stat. 92.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act Aug. 8, 1956, ch. 1036, 70 Stat. 1119, as amended, known as the Fish and Wildlife Act of 1956, which is classified generally to sections 742a to 742d and 742e to 742j-2 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 742a of this title and Tables.

AMENDMENTS

1974—Subsec. (a). Pub. L. 93-271, §1(1), (2), struck out provisions relating to the establishment of the position of and the appointment of the Commissioner of Fish and Wildlife. Provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, consisting of the Bureau of Commercial Fisheries and the Bureau of Sport Fisheries and Wildlife, the appointment of a Director for each of the Bureaus, and the succession of the United States Fish and Wildlife Service to the Fish and Wildlife Service of the Department, were also struck out.

Subsec. (b). Pub. L. 93-271, §1(3), substituted provisions for the establishment of the United States Fish and Wildlife Service within the Department of the Interior, for its administration by a Director subject to the supervision of the Assistant Secretary for Fish and Wildlife, the qualifications for and the appointment of the Director, for provisions relating to the administration of the United States Fish and Wildlife Service by the Commissioner of Fish and Wildlife subject to the supervision of the Assistant Secretary for Fish and Wildlife.

Subsecs. (c), (d). Pub. L. 93-271, §1(3), added subsec. (c) and redesignated former subsec. (c) as (d). Former subsec. (d), relating to the distribution of functions, powers, and duties of former Fish and Wildlife Service, was struck out.

Subsec. (e). Pub. L. 93-271, §1(3), struck out subsec. (e) which related to continuation of all laws, rules, and regulations administered by the Fish and Wildlife Service.

Subsec. (f). Pub. L. 93-271, §1(3), struck out subsec. (f) which provided for administrative authority in the Secretary of the Interior to carry out the provisions of Act Aug. 8, 1956, and for effective procedure for reorganization.

1962—Subsec. (a). Pub. L. 87-793 struck out provisions which authorized the Commissioner to receive compensation at the same rate as that provided for grade GS-18.

1961—Subsec. (a). Pub. L. 87-367 struck out "at Grades GS-17 each" after "by the Secretary".

EFFECTIVE DATE OF 1974 AMENDMENT

Section 3 of Pub. L. 93-271 provided that: "The amendments made by this Act [amending this section and section 5316 of Title 5, Government Organization and Employees] shall take effect on July 1, 1974."

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-793 effective on first day of first pay period which begins on or after Oct. 11, 1962, see section 610 of Pub. L. 87-793.

TRANSFER OF FUNCTIONS

Transfer of functions to Secretary of Commerce from Secretary of the Interior in view of: creation of National Oceanic and Atmospheric Administration in Department of Commerce and Office of Administrator of such Administration; abolition of Bureau of Commercial Fisheries in the Interior Department and Office of Director of such Bureau; transfers of functions, including functions formerly vested by law in Secretary of the Interior or the Interior Department which were administered through Bureau of Commercial Fisheries or were primarily related to such Bureau, exclusive of certain enumerated functions with respect to Great Lakes fishery research, Missouri River Reservoir research,